THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.22747 OF 2004

ORAL ORDER:

Heard both sides.

The petitioners, 102 in number, filed this Writ Petition seeking a declaration that the alleged action of the 1st respondent-Railways in trying to dispossess them from their huts raised in the site situated at Nakkalagudem/Dukkaladoddi of Innispeta, Rajahmundry, East Godavari District, without following due process of law is arbitrary and illegal.

The petitioners pleaded that they are labourers eking out livelihood as rickshaw pullers, daily coolies and etc., and that they have been in possession and enjoyment of small extents of site which they have encroached upon more than 30 years ago, situated to the north of the compound wall of the railway line, which is popularly called as Nakkalagudem/Dukkaladoddi of Innispeta in Rajahmundry town, wherein they have erected thatched huts for their residence. It is stated that the Municipal Corporation has given door numbers to their huts and house tax is also being collected from them. While so, the staff of the 2nd respondent on 22.11.2004 came to the site and demanded the petitioners to vacate from their huts, failing which their huts would be demolished by force. Hence, this writ petition with the above prayer.

On behalf of respondents 1 and 2, the Senior Divisional Engineer (North) South Central Railways, Vijayawada Division, filed a counter-affidavit stating that the site in question belongs to the Railways as per the Town Survey Register, and having come to know about the ownership, on 22.11.2004 the railway authorities had gone to the site and explained the residents about their ownership and advised them to vacate the site. The allegation that the petitioners were threatened eviction forcibly from their huts has been denied. It is further stated that the Commissioner of Municipal Corporation of

Rajahmundry addressed a letter dated 1.4.2005 to the 1st respondent stating that they are taking steps to evict the petitioners from the site encroached by them which belongs to the Railways and to rehabilitate them under VAMBHAY Housing Scheme and requested the Railways to permit the petitioners to reside in the encroached railway site till they are rehabilitated.

Having regard to the plea taken by the respondents 1 and 2 in their counter-affidavit, and having heard the learned counsel for both the parties, though the fact that the site in question belongs to the Railways is not in dispute, since admittedly the petitioners are in possession as on today, I deem it appropriate to dispose of the writ petition with a direction to the respondents not to dispossess the petitioners without following due process of law. It is also made clear that the Municipal Corporation of Rajahmundry shall also take necessary steps as stated in their letter dated 1.4.2005 to rehabilitate the petitioners and to see that the vacant possession is handed over to the respondents 1 and 2 - railway authorities expeditiously.

The writ petition is accordingly, disposed of. No costs.

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(G. ROHINI, J.)

14th August, 2006.
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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.22747 OF 2004

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14th August, 2006.

Between:

M. Lakshmi Parvathi and others. .. Petitioner.

And

The General Manager, South Central Railway,
Secunderabad and two others. .. Respondents.